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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Angola,* Armenia,* Australia,* Austria,* Belgium, Bosnia and Herzegovina,* Brazil,* Bulgaria,* Cabo Verde,* Chile, Colombia,* Costa Rica, Croatia,* Cyprus,* Czechia, Denmark,* Ecuador,* Estonia,* Finland, France, Georgia, Germany, Greece,* Iceland,* Ireland,* Italy,* Latvia,* Lithuania, Luxembourg, Malta,* Marshall Islands,* Mexico, Montenegro, Netherlands (Kingdom of the),* North Macedonia,* Norway,* Paraguay, Peru,* Portugal,* Romania, San Marino,* Slovakia,* Slovenia,* Spain,* Sweden,* Switzerland,* Thailand,* Ukraine and Uruguay*: draft resolution

53/... The right to education

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the human right of everyone to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization, and other relevant international instruments,

Reaffirming also the 2030 Agenda for Sustainable Development and the Sustainable Development Goals contained therein, as well as the Addis Ababa Action Agenda of the Third International Conference on Financing for Development for ensuring the realization of all those Goals, and reaffirming further in particular Goal 4, on ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all, its specific and interlinked targets, and other education-related Goals and targets, and recalling the importance of education for reaching all the Sustainable Development Goals,

Noting the holding of the Transforming Education Summit, convened from 16 to 19 September 2022 in New York, and taking note of the report of the International Commission on the Futures of Education of 2021,¹

* State not a member of the Human Rights Council.

¹ *Reimagining our futures together: a new social contract for education*, United Nations Educational, Scientific and Cultural Organization, Paris, 2021.



Reaffirming Human Rights Council resolution 8/4 of 18 June 2008, and recalling all other resolutions of the Council on the right to education, the most recent of which is resolution 47/6 of 12 July 2021, and also the resolutions adopted by the Commission on Human Rights on the subject,

Bearing in mind the United Nations Declaration on Human Rights Education and Training and the World Programme for Human Rights Education, which both underline the importance of human rights education as an integral part of the right to education,

Expressing concern that, in spite of the progress achieved in the implementation of Sustainable Development Goal 4, according to the United Nations Educational, Scientific and Cultural Organization there are still 771 million young persons and adults who are not literate, two thirds of whom are women, and 250 million children, adolescents and youth who do not attend school, and that, according to the United Nations Children's Fund, nearly 50 per cent of pre-primary-age children around the world – at least 175 million – are not enrolled in pre-primary education,

Noting the Incheon Declaration: Education 2030 – towards inclusive and equitable quality education and lifelong learning for all, adopted at the World Education Forum 2015, held in Incheon, Republic of Korea, which aims to mobilize all countries and partners and provide guidance on achieving the effective implementation of Sustainable Development Goal 4 and meeting the related targets on education for all, including for women and girls, persons belonging to national or ethnic, religious and linguistic minorities, stateless and internally displaced persons, migrants, asylum seekers and refugees,

Reaffirming the obligations and commitments of States parties to the International Covenant on Economic, Social and Cultural Rights to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of available resources, with a view to achieving progressively the full realization of economic, social and cultural rights by all appropriate means, in particular the adoption of legislative measures,

Expressing concern that, despite the tremendous efforts made by States and other stakeholders, the coronavirus disease (COVID-19) pandemic has disproportionately affected girls and women and those in vulnerable and marginalized situations, including persons with disabilities, persons living in poverty, migrants, asylum seekers, refugees, stateless and internally displaced persons, students in developing countries and Indigenous Peoples, and has exposed and exacerbated the entrenched structural inequalities in the enjoyment of human rights, including the right to education, also in the post-pandemic period,

Noting that, as stated in the United Nations Educational, Scientific and Cultural Organization Tashkent Declaration and Commitments to Action for Transforming Early Childhood Care and Education, adopted in November 2022, “early childhood care and education is key to achieving the right to education for all and to enable the fulfilment of other social rights”,

Reiterating the importance of early childhood development as a valuable foundation of lifelong learning and the entire education system, particularly for children in vulnerable and marginalized situations, and the need to invest in public, affordable, inclusive and equitable quality early childhood care and education, which could be understood as including education and care provided prior to the beginning of primary education, and recognizing that early childhood care and education contributes to the realization of the right to education and that care and education cannot be separated,

Noting that privately funded early childhood care and education are predominant in most countries at the global level, and that the absence of sufficient State-funded free and public supply could limit the enjoyment of, inter alia, the right to education, particularly of children from low-income families or in marginalized situations,

Strongly condemning the recurring attacks on students, teachers, schools and universities, and the military use of educational facilities, which impair the realization of the right to education and cause severe and long-lasting harm to individuals and societies, while noting in this context the efforts aimed at facilitating the continuation of education in armed conflict, including those made by States that are signatories to the Safe Schools Declaration,

and recognizing that a large proportion of the world's out-of-school population lives in conflict-affected areas,

Recognizing the negative impact of climate change and natural disasters on the full realization of the right to education, and also the role of education in promoting awareness about climate change mitigation and adaptation,

Recognizing also that girls are disproportionately represented among out-of-school children and that women are disproportionately represented among illiterate adults owing to, inter alia, gender-based discrimination and violence, including sexual violence and harassment; lack of a safe learning environment; child, early or forced marriage or unplanned pregnancy; the lack of safe and appropriate water and sanitation facilities that take into account women and girls' privacy needs, and menstrual health and hygiene supplies; discriminatory laws; gender stereotypes; patriarchal social norms; lack of empowerment, including on economic grounds, especially when education is not free; and discrimination based on any other grounds, such as race, colour, age, disability, language, religion, political or other opinion, national or social origin, Indigenous origin or identity, property, birth, migration or other status,

Recognizing further the role that access to reliable and affordable information and communications technology, including the Internet, and the role of digital education and technology literacy as empowering tools play in facilitating the realization of the right to education, in supporting the adaptability of education and in promoting inclusive quality education, in particular in situations of emergencies, and recalling its important role during the COVID-19 pandemic, when on-site education had to be suspended,

Expressing concern at the inequalities in access to reliable and affordable information and communications technology, which have increased the digital divide and expanded technological gaps, including but not limited to those based on gender, age, disability and migration or refugee status, and with their negative impact on the realization of the right to education,

Stressing in this respect that the incorporation of digital technologies in education, notwithstanding its potential to expand and complement access to education, is not a long-term replacement for on-site schooling nor justifies the lack of investment in the human factor, particularly teachers, their continuous professional development and their working conditions,

Stressing also the need for a thorough debate on the role of digital technologies in education, keeping in mind not only equality of opportunities, including for conflict-affected areas and for children and young persons in marginalized situations, but also their potential misuse and unintended negative effects, such as disinformation, surveillance, censorship, harassment, bullying and violence online and offline, exposure to violent or harmful content, including life-threatening activities, exploitation and abuse, and algorithm bias, with their impact on children's and young persons' health, education and interpersonal development, and the changes it may bring about in the organization of education systems,

Stressing further that human rights in the context of access to education, such as, but not limited to, the right to freedom of opinion and expression, including the freedom to seek, receive or impart information, as well as academic freedoms, must be respected, protected and fulfilled,

Reaffirming that the human rights principles of non-discrimination and equality are central to the full realization of the right to education as enshrined in the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization and the International Covenant on Economic, Social and Cultural Rights, and emphasizing that everyone is entitled to the right to education without discrimination of any kind,

Noting that education systems should nurture cultural diversity with a view to protecting cultural rights and fostering mutual understanding, respect for diversity and tolerance,

Welcoming the steps taken to fully realize the right to education, such as the enactment of appropriate legislation, adjudication by national courts, the development of national indicators, and ensuring justiciability of this right, and aware of the role that communications procedures at the regional and international levels can play in promoting the justiciability of the right to education,

Noting the development by experts of guiding principles and tools for States, such as the Abidjan principles on the human rights obligations of States to provide public education and to regulate private involvement in education,

1. *Urges* all States to give full effect to the right to education by, inter alia, complying with their obligations to respect, protect and fulfil the right to education, and to expand quality educational opportunities for all, by all appropriate means and without discrimination of any kind, including by:

(a) Implementing targeted programmes to address inequalities and their root causes, including barriers to accessibility, in particular for persons with disabilities, and discrimination against women and girls in education;

(b) Recognizing the significant importance of investment in free public education, and doing so to the maximum of available resources;

(c) Increasing and improving financing for education, including in humanitarian emergencies and conflict situations;

(d) Ensuring that education policies and measures are consistent with human rights obligations, including those laid down in the Universal Declaration of Human Rights and relevant international human rights instruments;

(e) Strengthening engagement with all relevant stakeholders, including communities, children and youth, learners, educators, school leaders, parents and/or legal guardians, local actors and civil society, to contribute to education as a public good;

2. *Calls upon* all States to take all measures to implement Human Rights Council resolutions on the right to education with a view to ensuring the full realization of this right for all;

3. *Also calls upon* States to implement the 2030 Agenda for Sustainable Development, including Sustainable Development Goal 4, in accordance with human rights laws and standards, in order to ensure inclusive and equitable quality education and to promote lifelong learning opportunities for all;

4. *Encourages* States to give domestic legal effect to the right to education, including by ensuring its justiciability, and urges States to strengthen their legal frameworks, to adopt adequate policies and programmes and to allocate sufficient resources, either individually or through international assistance and cooperation, to the full realization of the right to education;

5. *Acknowledges* the role that communications procedures can play to promote the justiciability of the right to education, and in this regard calls upon all States that have not yet signed and ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure to consider doing so as a matter of priority;

6. *Calls upon* States to promote holistic technical vocational education and training, and work-based learning in all its forms for all, including in-service training, apprenticeship and internships, as well as lifelong learning and further education and training, by implementing appropriate policies and programmes as a means of ensuring the realization of the right to education;

7. *Also calls upon* States to take all measures necessary, including by making education a priority in their national budgets by granting sufficient budgetary allocations to education, to ensure accessible, inclusive, equitable and non-discriminatory quality education to all at all levels, and to promote lifelong learning opportunities for all, paying particular attention to women and girls, children in the most vulnerable and marginalized situations, older persons, persons with disabilities, persons belonging to national or ethnic, religious and

linguistic minorities, Indigenous Peoples and all persons in vulnerable and marginalized situations, including those affected by humanitarian emergencies and conflict situations;

8. *Further calls upon* States to continue to strengthen the protection of preschools, schools, universities and other education institutions against attacks and threats of attack, making them free from all forms of violence, taking into account Security Council resolution 2601 (2021) of 29 October 2021, including by taking measures to deter the military use of schools and universities, such as by considering endorsing the Safe Schools Declaration and implementing the Guidelines for Protecting schools and universities from military use during armed conflict, and encourages efforts to provide safe, non-violent inclusive, effective and enabling learning environments and quality education for all within an appropriate time frame, including all levels of education in the context of humanitarian emergencies and conflict situations;

9. *Calls upon* States to accelerate efforts to eliminate gender-based discrimination, harmful practices such as female genital mutilation and child, early and forced marriage, and all forms of violence, abuse and harassment, including sexual harassment, the sale and sexual exploitation and abuse of children, school-related sexual and gender-based violence, and bullying in schools and other educational settings both online and offline, in particular against those persons who are most vulnerable, discriminated against and marginalized, and to guarantee gender equality and the right to education for all;

10. *Urges* States to take all measures necessary to eliminate gender bias and gender stereotypes in education at all levels, including through human rights education, the facilitation of learning environments that take into account a gender perspective and the promotion of equal opportunities in all fields of study, and calls upon States to ensure that women and girls are able to diversify their educational and occupational choices, including in emerging fields, in science, technology, engineering, arts, mathematics and information and communications technology;

11. *Also urges* all States to regulate and monitor all education providers, public and private, including those operating independently or in partnership with States, inter alia by putting in place adequate mechanisms to hold accountable those whose practices have a negative impact on the enjoyment of the right to education, to address the negative impact of the commercialization of education, and to strengthen access to appropriate remedies and reparation for victims of violations and abuses of the right to education;

12. *Encourages* all States to develop and strengthen emergency education preparedness within their respective education systems, grounded on human rights, and to train educational planners at all levels;

13. *Calls upon* all States to take appropriate measures to accelerate efforts to bridge the digital divide and technological gaps, including but not limited to those based on economic status, gender, age, disability and migration or refugee status, and not only to combat discrimination and bias in the development and use of new technologies, particularly in terms of access to products and services that are essential for the enjoyment of the right to education, but also to ensure accessible and quality education at all levels, in order to increase digital competencies, particularly of educators, as well as the media and information literacy and innovation skills of all, including of women, girls and persons with disabilities, while ensuring the protection of personal data in the use of technology in education;

14. *Takes note* of the four most recent reports of the Special Rapporteur on the right to education presented to the Human Rights Council, on advances and challenges in securing the right to education² and the impact of digitalization of education on the right to education,³ and to the General Assembly, on early childhood care and education⁴ and on the right to education of migrants;⁵

² A/HRC/53/27.

³ A/HRC/50/32.

⁴ A/77/324.

⁵ A/76/158.

15. *Calls upon* all States to adequately assess when, how and to what extent to introduce technology and digital solutions in education systems, considering positive and negative consequences and their impact on human rights and on human dignity, and, if necessary, to establish norms and standards on the use of technology in education, in collaboration with other stakeholders, including technology industries and private educational institutions, in compliance with international human rights law, prioritizing affordability and based on a learner-focused and age-appropriate approach and on the principles of availability, accessibility, acceptability and adaptability of education for all;

16. *Urges* States to consider providing free, public, inclusive, equitable and quality early childhood care and education;

17. *Encourages* States to develop, in collaboration with other relevant stakeholders, educational policies and programmes for migrants in line with the principles of availability, accessibility, acceptability and adaptability of education, as well as of non-discrimination;

18. *Notes with appreciation:*

(a) The work of the Special Rapporteur on the right to education;

(b) The work of the treaty bodies and the special procedures of the Human Rights Council in the promotion of the right to education, and the work undertaken by the Office of the United Nations High Commissioner for Human Rights in the promotion of the right to education at the country, regional and headquarters levels;

(c) The contribution of the United Nations Educational, Scientific and Cultural Organization, which is the lead agency on Sustainable Development Goal 4, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and other relevant United Nations agencies and bodies towards attaining the goals of the Education 2030 Agenda and the education-related Sustainable Development Goals;

19. *Stresses* the importance of international cooperation, including policy dialogue and the exchange of good practices, and of technical cooperation, capacity-building, financial assistance and technology transfer on mutually agreed terms in facilitating the realization of the right to education, including through the strategic and adapted use of information and communications technology;

20. *Encourages* all States to measure progress in the realization of the right to education, inter alia by developing national indicators as an important tool for the realization of the right to education and for policy formulation, impact assessment and transparency;

21. *Encourages* the United Nations High Commissioner for Human Rights, the treaty bodies, the special procedures of the Human Rights Council and other relevant United Nations bodies and mechanisms, specialized agencies, funds and programmes, within their respective mandates, to continue their efforts to promote the full realization of the right to education worldwide and to enhance their cooperation in this regard, including by enhancing technical assistance to Governments;

22. *Encourages* the High Commissioner to collaborate with relevant United Nations agencies, including the United Nations Educational, Scientific and Cultural Organization, the Global Partnership for Education, and civil society organizations to provide technical support to States to realize the right to education in the post-COVID-19 context;

23. *Commends* the contribution of national human rights institutions, national mechanisms for implementation, reporting and follow-up, civil society, including non-governmental organizations, children and youth and parliamentarians to the realization of the right to education, including through cooperation with the Special Rapporteur;

24. *Decides* to extend the mandate of the Special Rapporteur on the right to education for a further period of three years;

25. *Encourages* the Special Rapporteur, in fulfilling the mandate, to continue to take into account and support the implementation of the education-related Sustainable Development Goals and targets, the provisions of Human Rights Council resolutions on the right to education, and gender, age and disability perspectives;

26. *Requests* all States to cooperate fully with the Special Rapporteur with a view to facilitating the performance of her or his tasks, to give due consideration to the recommendations made by the mandate holder, and to respond favourably to her or his requests for information and visits;

27. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Special Rapporteur with all the human and financial resources necessary for the effective fulfilment of the mandate;

28. *Encourages* all other relevant stakeholders, including United Nations bodies and specialized agencies, funds and programmes, other international organizations, regional human rights mechanisms, national human rights institutions and non-governmental organizations, to cooperate fully with the Special Rapporteur to enable her or him to fulfil the mandate;

29. *Requests* the Special Rapporteur to continue to submit an annual report to the Human Rights Council and to the General Assembly covering all activities relating to the mandate with a view to maximizing the benefits of the reporting process;

30. *Decides* to remain seized of the matter.
